

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 461 Participation in Fine Arts Courses

SPONSOR(S): Kelly and others

TIED BILLS: **IDEN./SIM. BILLS:**

	REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1)	PreK-12 Policy Committee		Duncan	Ahearn
2)	PreK-12 Appropriations Committee			
3)	Education Policy Council			
4)				
5)				

SUMMARY ANALYSIS

Student achievement data from the Florida Comprehensive Assessment Test (FCAT) in grades 3 through 10 are used to establish both proficiency levels and annual progress for individual students, schools, districts, and the state. FCAT results are also used as the primary criteria in calculating school performance grades, school rewards and recognition, and performance-based funding.

The criteria for designating school performance grades are based on a combination of the following:

- Student achievement scores, including achievement scores for students seeking a special diploma.
- Student learning gains as measured by annual FCAT assessments in grades 3 through 10.
- Improvement of the lowest 25th percentile of students in the school in reading, math, or writing on the FCAT, unless these students are exhibiting satisfactory performance.

Beginning with the 2009-2010 school year, 50 percent of a high school’s grade continues to be based upon student achievement and learning gains based on FCAT scores. The *remaining* 50 percent is based upon the:

- High school graduation rate of the school.
- Performance and participation of the school’s students in College Board Advanced Placement courses, International Baccalaureate courses, dual enrollment courses, and Advanced International Certificate of Education courses; and the student’s achievement of industry certification in a career and professional academy.
- Postsecondary readiness of the school’s students as measured by the SAT, ACT, or the common placement test.
- High school graduation rate of at-risk students who scored a Level 2 or lower on the grade 8 FCAT Reading and Mathematics examinations.
- Performance of students on statewide, standardized end-of-course assessments.
- Growth or decline of these components from year to year.

The bill includes, in “the remaining 50 percent” of the school’s grade, the participation rate of all eligible students in a school who are enrolled in fine arts courses, which are visual arts, music, dance, and theater as one of the non-FCAT factors used to determine a high school’s performance grade. If determined by the Department of Education to be valid and available, data relating to the participation rate of all eligible students in a school who are enrolled in fine arts courses must be used in determining school grades.

See FISCAL COMMENTS and DRAFTING ISSUES OR OTHER COMMENTS sections of the analysis.

The sponsor has filed an amendment to address concerns identified in the analysis.

HOUSE PRINCIPLES

Members are encouraged to evaluate proposed legislation in light of the following guiding principles of the House of Representatives

- Balance the state budget.
- Create a legal and regulatory environment that fosters economic growth and job creation.
- Lower the tax burden on families and businesses.
- Reverse or restrain the growth of government.
- Promote public safety.
- Promote educational accountability, excellence, and choice.
- Foster respect for the family and for innocent human life.
- Protect Florida's natural beauty.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Current Law

School Performance Grades

Student achievement data from the FCAT in grades 3 through 10¹ are used to establish both proficiency levels and annual progress for individual students, schools, districts, and the state.² FCAT results are also used as the primary criteria in calculating school performance grades, school rewards and recognition, and performance-based funding.³ The results of the statewide assessment program must be annually reported by the Commissioner of Education.⁴ The following letter grades are used to designate school performance:

- "A" for schools making excellent progress.
- "B" for schools making above average progress.
- "C" for schools making satisfactory progress.
- "D" for schools making less than satisfactory progress.
- "F" for schools failing to make adequate progress.⁵

The criteria for designating school performance grades are based on a combination of the following:

- Student achievement scores, including achievement scores for students seeking a special diploma.
- Student learning gains as measured by annual FCAT assessments in grades 3 through 10.
- Improvement of the lowest 25th percentile of students in the school in reading, math, or writing on the FCAT, unless these students are exhibiting satisfactory performance.⁶

¹ Comprehensive assessments of reading and mathematics must be administered annually in grades 3 through 10. Comprehensive assessments of writing and science must be administered at least once at the elementary, middle, and high school levels. s. 1008.22(3)(c), F.S. All eligible students in grades 4, 8, and 10 must take the writing test. All eligible students in grades five, eight, and eleven must take the science test. Rule 6A-1.09422.

² s. 1008.34, F.S.

³ Rule 6A-1.09981, F.A.C.

⁴ s. 1008.34, F.S.

⁵ s. 1008.34(2), F.S.

⁶ s. 1008.34(3)(b)1., F.S.

In 2008, the Legislature revised the high school grading formula.⁷ Beginning with the 2009-2010 school year, 50 percent of a high school's grade continues to be based upon student achievement and learning gains based on FCAT scores.⁸ The *remaining* 50 percent is based upon the:

- High school graduation rate of the school.
- Performance and participation of the school's students in College Board Advanced Placement courses, International Baccalaureate courses, dual enrollment courses, and Advanced International Certificate of Education courses;⁹ and the student's achievement of industry certification in a career and professional academy.¹⁰
- Postsecondary readiness of the school's students as measured by the SAT, ACT, or the common placement test.¹¹
- High school graduation rate of at-risk students who scored a Level 2 or lower on the grade 8 FCAT Reading and Mathematics examinations.
- Performance of students on statewide, standardized end-of-course assessments.
- Growth or decline of these components from year to year.¹²

If determined by the Department of Education (DOE) to be valid and available, data corresponding to the non-FCAT factors must be used in determining school grades.

Effect of Proposed Changes

The bill includes, in "the remaining 50 percent" of the school's grade, the *participation rate* of all eligible students in a school enrolled in fine arts courses, which are visual arts, music, dance, and theater, as one of the non-FCAT factors that must be used to determine a high school's performance grade. This provision would permit the *student participation rate* in specific courses, rather than *student performance*, to be used as a factor in determining a school's grade. To solely reward participation over performance might lead to a focus on quantity over quality.

The bill also requires, if determined by DOE to be valid and available, data relating to the participation rate of all eligible students in a school who are enrolled in fine arts courses to be used in determining school grades.

B. SECTION DIRECTORY:

Section 1: Amends s. 1008.34, F.S., school grading system; school report cards; district grade.

Section 2: Provides an effective date of July 1, 2010.

⁷ Chapter 2008-35, L.O.F.

⁸ s. 1008.34(3)(b)2., F.S.

⁹ Acceleration mechanisms include, but are not limited to, International Baccalaureate (IB), Advanced International Certificate of Education (AICE), credit by examination or demonstration of competency, Advanced Placement (AP), early admissions, and dual enrollment. Acceleration mechanisms serve to reduce the time necessary for a secondary or postsecondary student to complete the requirements for receipt of a high school diploma and a postsecondary degree, broaden the scope the curriculum available to students, or increase the depth of study available for a particular subject. s. 1007.27, F.S.

¹⁰ A career and professional academy is a research-based program that integrates a rigorous academic curriculum with an industry-specific curriculum aligned directly to priority workforce needs established by a regional workforce board. s. 1003.493, F.S.

¹¹ The common placement test assesses the basic computation and communication skills of students who intend to enter a degree program at any public postsecondary educational institution. s. 1008.30, F.S.

¹² s. 1008.34(3)(b)2., F.S.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

The bill does not appear to have a fiscal impact on state government revenues.

2. Expenditures:

The bill does not appear to have a fiscal impact on state government expenditures.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

The bill does not appear to have a fiscal impact on local government revenues.

2. Expenditures:

The bill does not appear to have a fiscal impact on local government expenditures.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

DOE COMMENTS:

To the extent the addition of arts participation to the school grading criteria changes the number of schools in a district that earn an "A" or improve a letter grade from one year to the next, the amount of school recognition funds a district earns pursuant to s.1008.36, F.S., could change.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable. The bill does not appear to require a county or municipality to spend funds or take an action requiring expenditures; reduce the authority that counties and municipalities had as of February 1, 1989, to raise revenues in the aggregate; or reduce the percentage of a state tax shared in the aggregate with counties and municipalities as of February 1, 1989.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

No new specific authority is granted. However, the State Board of Education would have to modify the School Performance Grade rule if the bill becomes law.

C. DRAFTING ISSUES OR OTHER COMMENTS:

DOE COMMENTS:

Consideration may be given to the extent to which adding another component for school grading could further complicate the school grading formula (decreases the extent to which it can be easily understood by the public), and/or whether factors relating to funding and resources might create equity issues in the offering of fine arts courses to students across schools, districts, and regions.

Addition of this component would require a change in the points scale for grading high schools and a revision to Rule 6A-1.09981, F.A.C.

IV. AMENDMENTS/COUNCIL OR COMMITTEE SUBSTITUTE CHANGES

N/A.